

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CORDIA FOSTER and CISLYN VERONA
WRIGHT,

21-cv-11224 (CM)(DF)

Plaintiffs,

- against -

ELYSE DULA a/k/a ELYSE SNOW
and IAN K. SNOW,

Defendants.

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**DEFENDANTS' MEMORANDUM IN RESPONSE TO PLAINTIFFS' MOTION IN
LIMINE TO PROHIBIT DEFENDANTS FROM MENTIONING OR ELICITING
TESTIMONY ABOUT PLAINTIFFS' STATE COURT WAGE AND HOUR CASE
AGAINST DEFENDANTS**

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Defendants do not object to Plaintiffs' motion to preclude "any evidence or testimony regarding" the New York Labor Law wage and hour case pending in the New York State Supreme Court, Bronx County. (Plaintiffs' MOL at 2.) We agree that the parties should be prohibited from mentioning or eliciting testimony regarding the underlying claims raised in that pending case. The claims raised by Plaintiffs in that action may be unfairly prejudicial to one or all of the parties and may confuse the jury. The trial of the within action is not the proper forum to litigate Plaintiffs' Labor Law wage claims. *See Regin v. Newburg Enlarged City. Sch. Dist.*, 2011 U.S. Dist. LEXIS 59728, *4, 2011 WL 2183175 (S.D.N.Y. 2011) (Rule 404(b) of the Federal Rules of Evidence "prohibits the admission of evidence of prior acts in order to prove action in conformity with character. . . .")

Dated: New York, New York
June 1, 2023

MANTEL McDONOUGH RISO, LLP

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